

United States District Court
 DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

Valter Ferreira Silva

CRIMINAL COMPLAINT

CASE NUMBER: 04-M00060-LPC

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 15, 2003 in Middlesex county, in the District of Massachusetts defendant(s) did, (Track Statutory Language of Offense) willfully, knowingly, and with intent to deceive, use a social security account number, assigned by the Commissioner of Social Security on the basis of the false information furnished to the Commissioner of Social Security by the defendant and other persons on the defendant's behalf, to apply for and to obtain a Massachusetts driver's license

In violation of Title 42 United States Code, Section(s) 408(a)(7)(A)

I further state that I am a(n) Special Agent, Social Security Administration and that this complaint is based on the following facts:

See Attached Affidavit of Vance Ely

Continued on the attached sheet and made a part hereof:

Yes

No

Signature of Complainant

VANCE ELY

SPECIAL AGENT

SOCIAL SECURITY ADMINISTRATION

Boston, MA

City and State

Sworn to before me and subscribed in my presence,

Date

at

Name & Title of Judicial Officer

This form was electronically produced by Elite Federal Forms, Inc.

Signature of Judicial Officer

AFFIDAVIT

I, Vance Ely, having been duly sworn, do hereby depose and state as follows:

1. I have been a Special Agent with the United States Social Security Administration ("SSA"), Office of the Inspector General, Office of Investigations, Boston Field Office since May 1997. My duties include investigating violations of Title 42 and Title 18 of the United States Code. During the period of my employment, I have conducted numerous investigations of Social Security fraud and other criminal violations. I was previously employed by the United States Department of Justice, Immigration & Naturalization Service, as an Immigration Inspector for 4 $\frac{1}{2}$ years. I also hold a Bachelor of Science degree from Westfield State College.

2. SSA is an agency within the Executive Branch of the United States government responsible for approving applications for Social Security Numbers and issuing Social Security Number Cards to eligible applicants, as well as managing and administering retirement, disability, survivor benefits, and Supplemental Security Income programs to our nation's eligible beneficiaries.

3. The Social Security Act (42 U.S.C. 301 et seq.) was enacted in 1935 to provide for the general welfare by establishing a system of Federal Benefits. The Social Security Number ("SSN"), a nine digit number, was devised as a means to

keep track of the earnings of individuals who work under covered employment. Along with the SSN, the Social Security Number Card ("SSNC") was created. SSNCs are issued with or without employment restrictions depending upon the eligibility of the individual making application. The Social Security Number Card bears a Social Security Number; shows the name of the person whose record is identified by that SSN; and contains a space for the person's signature.

4. The information set forth in this affidavit is based on my own investigation, my review of relevant SSA records, and information provided by others. This affidavit does not contain all information received during the course of the investigation but contains those facts that I believe are necessary and sufficient to establish probable cause for the issuance of the requested criminal complaint charging Valter Ferreira Silva ("Defendant") with social security account number fraud in violation of 42 U.S.C. Section 408(a)(7)(A)¹.

5. Valter Ferreira Silva is a native and citizen of Brazil

¹42 U.S.C. §408(a)(7)(A) reads in pertinent part:
Whoever...for the purpose of obtaining anything of value from any person, or for any other purpose-(A) willfully, knowingly, and with intent to deceive, uses a social security account number, assigned by the Commissioner of Social Security (in the exercise of the Commissioner's authority under section 405(c)(2) of this title to establish and maintain records) on the basis of false information furnished to the Commissioner of Social Security by him or by any other person [shall be guilty of a crime.]

and, according to records maintained by Immigration and Customs Enforcement, the defendant is not present legally in the United States.

6. As an alien illegally present in the United States, the Defendant is not entitled to receive a Social Security Account number card.

7. On 10/22/01, Defendant applied for a social security account number card. Defendant falsely represented on the application, known as an SS-5, that he is a legal alien ("Legal Alien Allowed To Work"), knowing that, in truth and in fact, Defendant was not a legal alien.²

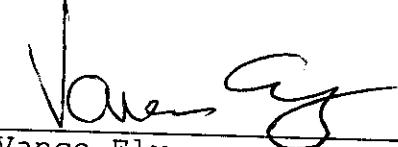
8. As a result of providing false information, Defendant received social security account number 032845372.

9. The Massachusetts Registry of Motor Vehicles ("RMV") requires that an individual applying for a driver's license present proof of identification such as a valid social security account number.

²Defendant's SS-5 application was processed by former SSA employee Jesse Rocha. On September 8, 2003, Jesse Rocha pled guilty to conspiracy to commit fraud in connection with identification documents in violation of 18 U.S.C. §1028(f); conspiracy to commit offenses against the United States in violation of 18 U.S.C. §371; conspiracy to launder monetary instruments in violation of 18 U.S.C. §1956(h) and fraud and misuse of documents in violation of 18 U.S.C. §1546(a). During his plea colloquy, Rocha admitted to processing and approving over 1700 applications for SSNCs for illegal aliens during the period from April of 2000 until December of 2002. See Ind. 02-10405-GAO.

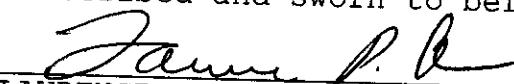
10. On or about 1/15/03, Valter Ferreira Silva applied for a Massachusetts driver's license. On the application, Silva used the SSN he fraudulently obtained by providing the SSN to the RMV. As a result, a Massachusetts driver's license was issued to Silva.

Based upon the foregoing information, I believe there is probable cause to believe that on or about 1/15/03, Valter Ferreira Silva did willfully, knowingly, and with intent to deceive, use a Social security account number, assigned by the Commissioner of Social Security on the basis of the false information furnished to the Commissioner of Social Security by the defendant and other persons on the defendant's behalf, to apply for and to obtain a Massachusetts driver's license in violation of Title 42, United States Code, Section 408(a)(7)(A).



Vance Ely
Special Agent
United States Social Security
Administration
Office of Inspector General

Subscribed and sworn to before me this 31st day of August, 2004.



LAWRENCE P. COHEN
UNITED STATES MAGISTRATE JUDGE

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency SSACity Framingham**Related Case Information:**County Middlesex

Superseding Ind./ Inf. _____ Case No. _____
 Same Defendant _____ New Defendant _____
 Magistrate Judge Case Number _____
 Search Warrant Case Number _____
 R 20/R 40 from District of _____

Defendant Information:Defendant Name Valter Ferreira SilvaJuvenile Yes No

Alias Name _____

Address 41 B Raymond Marchett, Ashland, MA 01721Birth date (Year only): 74 SSN (last 4 #): _____ Sex M Race: _____ Nationality: Brazil

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA Christopher F. Bator Bar Number if applicable _____Interpreter: Yes No List language and/or dialect: PortugueseMatter to be SEALED: Yes No Warrant Requested Regular Process In CustodyLocation Status: /X/ No Process

Arrest Date: _____

 Already in Federal Custody as _____ in _____. Already in State Custody _____ Serving Sentence Awaiting Trial On Pretrial Release: Ordered by _____ on _____.Charging Document: Complaint Information IndictmentTotal # of Counts: Petty _____ Misdemeanor _____ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

 I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 8/31/04Signature of AUSA: E. F. Bator

~~JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse~~

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Valter Ferreira Silva

U.S.C. Citations

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 42 U.S.C. §408(a)(7)(A)	Social Security Fraud	
Set 2		
Set 3		
Set 4		
Set 5		
Set 6		
Set 7		
Set 8		
Set 9		
Set 10		
Set 11		
Set 12		
Set 13		
Set 14		
Set 15		

ADDITIONAL INFORMATION: